

**RULES
OF
TENNESSEE DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF FIRE PREVENTION**

**CHAPTER 0780-2-3
REVIEW OF CONSTRUCTION PLANS AND SPECIFICATIONS**

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0780-2-3-.01 DEFINITIONS.

- (1) As used in this chapter, unless the context otherwise requires:
- (a) Division means the Division of Fire Prevention of the Department of Commerce and Insurance.
 - (b) Construction means the erection of a new building, an addition to an existing building, a change of occupancy, an alteration that alters the exit arrangement, fire resistive assemblies, or type of construction, or involves the installation of fire suppression or detection systems or fuel-fired equipment. The term "construction" shall not be construed to include excavation or site preparation.
 - (c) State building means any public building owned or leased by the State of Tennessee or any department, institution, or agency thereof.
 - (d) Educational occupancy means the use of a building or structure, or a portion thereof, for educational purposes by six (6) or more persons for four (4) or more hours per day or more than twelve (12) hours per week. Educational occupancy includes part-day nursery schools and day care centers licensed by the Department of Human Services or licensed by the Department of Education, and all other schools including kindergarten through twelfth grade.
 - (e) Detention and correctional occupancy, business occupancy, residential occupancy, place of assembly and covered mall shall be defined as in the 2006 edition of the Life Safety Code (NFPA No. 101-2006). High hazard industrial facility shall be defined as in the 2006 edition of the International Building Code for subclasses H-1 and H-2 only. Storage of high hazard materials shall not be considered as a high hazard industrial occupancy.
 - (f) Local government means any city, county, town, municipal corporation, metropolitan government, or political subdivision.
 - (g) In addition to the definitions provided by the 2006 edition of the Life Safety Code (NFPA No. 101-2006), existing building means any building that has been occupied continuously for a period of at least twelve (12) months without changing its occupancy classification.
 - (h) Limited plans review means the submission of construction documents based on as-built plans and specifications in accordance with the provisions of Chapter 0780-2-2 (CODES AND STANDARDS) of the Rules and Regulations of the State of Tennessee.

(Rule 0780-2-3-.01, continued)

- (i) As-built plans and specifications include, but are not limited to, the following items: floor plans with door and window schedules, finish schedules, furnace and water heater locations, fire alarm systems, emergency lighting, exit signs, fire-rated assemblies, any accessibility issues addressed pursuant to Tenn. Code Ann. § 68-120-204 and any available specifications. Additionally, a structural engineer's analysis must accompany the plans when submitted.

Authority: T.C.A. §§68-102-113, 68-102-113(a) and (e), 68-120-101, and 68-120-101(a).

Administrative History: Original rule certified June 10, 1974. Repeal and new rule filed August 17, 1976; effective September 16, 1976. Repeal and new rule filed July 27, 1982; effective August 26, 1982. Amendment filed October 11, 1985; effective November 10, 1985. Amendment filed July 9, 1990; effective August 23, 1990. Amendment filed March 13, 1996; effective May 27, 1996. Amendment filed June 12, 2001; effective August 26, 2001. Amendments filed October 19, 2005; effective January 2, 2006. Emergency rule filed July 27, 2007; effective through January 8, 2008. Amendment filed November 16, 2007; withdrawn December 28, 2007. Emergency rule expired January 9, 2008 and reverted to rule in effect on July 26, 2007. Amendment filed December 11, 2007; effective February 24, 2008. Amendment filed June 18, 2008; effective September 1, 2008.

0780-2-3-.02 SUBMISSION OF PLANS.

- (1) After the effective date of this chapter, no person shall commence construction of any educational occupancy, including those licensed by the Department of Education, detention and correctional occupancy or state building until plans and specifications therefor have been submitted to and approved in writing by the Division. The Division shall also review plans submitted for review of day care centers which are licensed by the Department of Human Services and the Department of Education. The following exceptions to such plans review will apply upon written approval by the Division:
 - (a) An existing building comprising an area of three thousand (3,000) occupied square feet or less, or an area within an existing building that is bound by two (2)-hour fire-rated constructions and that consists of three thousand (3,000) occupied square feet or less, that is proposed to house an educational occupancy and enrolls twenty-four (24) or fewer students may have code compliance determined through inspection by the state fire marshal. The state fire marshal may further require a limited plans review if the state fire marshal determines that it is necessary in order to ensure adequate code compliance. All such limited plans reviews will be subjected to the minimum review fee as authorized by this Chapter and the requirements for the issuance of a Certificate of Occupancy as authorized by this Chapter.
 - (b) An existing building comprising an area between three thousand (3,000) occupied square feet and five thousand (5,000) occupied square feet, or an area within an existing building that is bound by two (2)-hour fire-rated constructions containing between three thousand (3,000) occupied square feet and five thousand (5,000) occupied square feet, that is proposed to house an educational occupancy and enrolls between twenty-five (25) and ninety-nine (99) students will be subjected to a limited plans review. An applicable review fee as authorized by this Chapter will apply.
 - (c) An existing building comprising an area of more than five thousand (5,000) occupied square feet, or an area within an existing building that is bound by two (2)-hour fire-rated constructions containing more than five thousand (5,000) occupied square feet, or any area enrolling one hundred (100) students or more that is proposed to house an educational occupancy will be subjected to a full plans review as applied to new constructions and an applicable review fee as authorized by this Chapter will apply.

(Rule 0780-2-3-.02, continued)

- (2) After January 1, 1983, no person shall commence construction of any place of assembly having a capacity of 300 or more persons until plans and specifications therefor have been submitted to and approved in writing by the Division.
- (3) After July 1, 1983, no person shall commence construction of any business occupancy three (3) stories or more in height, or residential occupancy three (3) stories or more in height, until plans and specifications therefor have been submitted to and approved in writing by the Division.
- (4) After January 1, 1986, no person shall commence construction of any covered mall or high hazard industrial occupancy until plans and specifications therefor have been submitted to and approved in writing by the Division.
- (5) After July 1, 2001, no person shall commence construction of any two-story residential occupancy having twelve (12) units or more until plans and specifications therefor have been submitted to and approved in writing by the Division.
- (6) After January 1, 2001, no person shall commence construction of any occupancy that requires an inspection by the Division for initial licensure requirements of other state departments or agencies until plans and specifications therefor have been submitted to and approved in writing by the Division.
- (7) Notwithstanding the foregoing paragraphs of this rule, any construction requiring approval by the Division may be undertaken prior to approval of final plans and specifications if:
 - (a) The Division has received a written request for a phased or fast-track approval;
 - (b) drawings adequately describing the nature and scope of the project have been submitted to the Division;
 - (c) a plans review submittal form and the entire review fee have been received;
 - (d) complete plans and specifications for only that phase of construction to be undertaken have been submitted to the Division; and
 1. the Division has approved such plans and specifications in writing; or
 2. the Division has failed to transmit a written evaluation of such plans and specifications within twenty-one (21) working days after receipt thereof.
- (8) Resubmission of the complete plans and specifications for any proposed project which is identical in structure and interior arrangement to a project previously reviewed and approved in accordance with this chapter is required; however, only one half of the normal review fee will be charged. No further reductions in the review fee will be allowed.

Authority: T.C.A. §§68-102-113, 68-102-113(a), and 68-120-101. **Administrative History:** Original rule filed August 17, 1976; effective September 16, 1976. Repealed and new rule filed July 27, 1982; effective August 26, 1982. Amendment filed October 11, 1985; effective November 10, 1985. Amendment filed July 9, 1990; effective August 23, 1990. Amendment filed March 13, 1996; effective May 27, 1996. Amendment filed June 12, 2001; effective August 26, 2001. Amendments filed October 19, 2005; effective January 2, 2006. Emergency rule filed July 27, 2007; effective through January 8, 2008. Emergency rule expired January 9, 2008 and reverted to rule in effect on July 26, 2007. Amendment filed December 11, 2007; effective February 24, 2008.

0780-2-3-.03 REQUIREMENTS.

- (1) Plans and specifications required by rule 0780-2-3-.02 shall:
 - (a) bear the name, address, telephone number, and seal of an architect or engineer registered in Tennessee, and be sealed in accordance with the statutes and regulations controlling the profession of architects and engineers in Tennessee;
 - (b) be sufficiently detailed to enable the reviewer to determine accurately whether the proposed construction would be in compliance with applicable standards of fire prevention, fire protection, and building construction safety; and
 - (c) be accompanied by an estimate, certified by the owner or his authorized representative, of the total construction cost of the project. The Division may request additional verification of cost prior to the issuance of a certificate of occupancy.
- (2) Shop drawings for fire protection sprinkler systems shall be submitted in accordance with the provisions of Chapter 0780-2-7 (FIRE PROTECTION SPRINKLER SYSTEM CONTRACTORS) of the Rules and Regulations of the State of Tennessee.
- (3) Shop drawings for commercial hood and duct systems shall be submitted in accordance with the standards adopted in rule 0780-2-2-.01.

Authority: T.C.A. §§68-102-113 and 68-120-101. **Administrative History:** Original rule filed July 27, 1982; effective August 26, 1982. Amendment filed October 11, 1985; effective November 10, 1985. Amendment filed March 13, 1996; effective May 27, 1996. Amendment filed June 12, 2001; effective August 26, 2001.

0780-2-3-.04 FEES.

- (1) The fee for review of plans and specifications for construction shall be as specified in the following table:

| Total Project Construction Cost | Fee |
|---------------------------------|---|
| \$0.00 to \$1,000,000.00 | \$2.00 per thousand or fraction thereof (\$200.00 minimum). |
| \$1,000,000.01 or more | \$2,000.00 for the first \$1,000,000.00 plus \$1.50 for each additional thousand or fraction thereof. |

Such fee shall be payable in full at the time of initial submission of plans and specifications.

- (a) If a State building or educational occupancy is also reviewed for compliance with building construction safety standards by a local government which has obtained the exemption authorized by Tenn. Code Ann. §68-120-101(b)(2), the fee for review under this chapter shall be reduced by fifty percent (50%), but the fee shall not be less than two hundred dollars (\$200.00). Review fees for plans being submitted under Chapter 0780-2-3-.02(8) shall not be further reduced.
 - (b) If plans and specifications must be resubmitted because their approval has become invalid under paragraph (3) of rule 0780-2-3-.05, the fee established in this rule will be imposed.
- (2) The Division may require appropriate documentation of costs (such as contractors' bids or invoice) if:

(Rule 0780-2-3-.04, continued)

- (a) in the Division's opinion, the construction cost of a project has been underestimated in the certification submitted pursuant to rule 0780-2-3-.03(3); or
- (b) the scope of a project is substantially revised after the initial plans submission.

After initial review, if such documentation warrants an additional plans review charge it shall be computed, assessed, and paid promptly.

Authority: T.C.A. §§68-102-113 and 68-120-101. **Administrative History:** Original rule filed July 27, 1982; effective August 26, 1982. Amendment filed November 14, 1983; effective December 14, 1983. Amendment filed October 11, 1985; effective November 10, 1985. Amendment filed September 18, 2002; effective December 2, 2002. Repeal and new rule filed October 19, 2005; effective January 2, 2006.

0780-2-3-.05 APPROVAL OF PLANS.

- (1) Plans and specifications submitted pursuant to rule 0780-2-3-.02 shall be approved only if the proposed construction would be in compliance with the minimum standards for fire prevention, fire protection, and building construction safety in effect at the time of the initial submission.
- (2) The Division will not begin review of plans and specifications unless a plans review submittal form and the entire applicable fee for plans review have been received by the Division.
- (3) No final approval of plans and specifications shall be valid unless the construction represented by such plans and specifications has substantially progressed within six (6) months after the effective date of any adopted revisions of the standards in effect at the time of the initial submission. Construction must be completed and a certificate of occupancy issued within twenty-four (24) months after the commencement of construction; provided, however, the Division, upon appropriate written request and for good cause shown, may grant written approval of additional time to complete construction.
- (4) A copy of the approved plans and specifications shall be placed on the job site prior to the commencement of construction and shall be retained on the job site until a certificate of occupancy has been issued by the Division.
- (5) Construction shall proceed in accordance with the plans and specifications as approved hereunder. If construction is completed in accordance with the approved plans and specifications, the building represented by such plans and specifications shall be exempt from subsequently adopted standards for fire prevention, fire protection, and building construction safety, unless the non-conformity of the building to such standards poses a serious life safety hazard.
- (6) No approval of, or failure to review, plans and specifications by the Division shall relieve the owner, developer, or designing architect or engineer of their respective responsibilities for compliance with applicable codes respecting fire prevention, fire protection, and building construction safety.
- (7) Approval of modular building units, along with a final inspection, shall be required by the Division; however, no certificate of occupancy shall be issued thereon. Any temporary factory manufactured structure which is not designed and constructed in accordance with the Tennessee Modular Building Act (T.C.A. §§ 68-120-301 et seq. and chapter 0780-2-13) shall have an independent third party inspection label permanently affixed to the unit. For purposes of this paragraph, temporary means placed on a site for less than twelve (12) months.

(Rule 0780-2-3-.05, continued)

Authority: T.C.A. §§68-102-113 and 68-120-101. **Administrative History:** Original rule filed July 27, 1982; effective August 26, 1982. Amendment filed November 14, 1983; effective December 14, 1983. Amendment filed October 11, 1985; effective November 10, 1985. Amendment filed July 9, 1990; effective August 22, 1990. Amendment filed March 13, 1996; effective May 27, 1996. Amendment filed June 12, 2001; effective August 26, 2001. Amendments filed October 19, 2005; effective January 2, 2006.

0780-2-3-.06 INSPECTION OF CONSTRUCTION. When the Division inspects any construction covered by this chapter, the inspector shall determine whether the construction conforms to the approved plans and specifications; however, if such plans and specifications are not specific with respect to any applicable standard, the inspection shall be made pursuant to the standards adopted in this chapter.

Authority: T.C.A. §§68-102-113 and 68-120-101. **Administrative History:** Original rule filed July 27, 1982; effective August 20, 1982. Amendment filed June 12, 2001; effective August 26, 2001.

0780-2-3-.07 ISSUANCE OF PERMITS. Except as provided in rules 0780-2-3-.02 and 0780-2-3-.08, no official of State or local government shall issue a permit authorizing any construction for which written approval of plans and specifications is required under this Chapter unless the applicant furnishes sufficient evidence of receipt of such approval. Upon notice from the Division to the issuer of permits issued in violation of this regulation, the issuer shall immediately revoke the permit, and any construction on such project must cease until proper approval is obtained and permit issued pursuant to this chapter.

Authority: T.C.A. §§68-102-113 and 68-120-101. **Administrative History:** Original rule filed July 27, 1982; effective August 20, 1982. Amendment filed March 13, 1996; effective May 27, 1996. Amendment filed June 12, 2001; effective August 26, 2001.

0780-2-3-.08 LOCAL EXCLUSIONS.

- (1) This chapter shall not apply to any building, other than state buildings, educational occupancies, and occupancies requiring an inspection by the Division prior to initial licensure located within the jurisdiction of a local government which is exempt from the Division's building construction safety standards under Tenn. Code Ann. §68-120-101(b)(2).
- (2) Any local government not covered by paragraph (1) may submit a written request to the Division that proposed construction, other than state buildings and educational occupancies, within its jurisdiction be excluded from the provisions of this chapter. The request shall be supported by written documentation relative to the local government's capability and legal framework for enforcing building construction safety standards. Such documentation shall include an adequate description of local procedures and requirements for:
 - (a) review of construction plans and specifications;
 - (b) issuance of building permits; and
 - (c) inspection of buildings during and after construction.
- (3) If the Division denies any request submitted pursuant to paragraph (2) of this rule, it shall notify the local government in writing of the reasons for the denial. Such local government shall be afforded an opportunity for an informal conference before the Division to reconsider its decision.
- (4) Any local exclusion granted by the Division may be withdrawn if, after affording appropriate written notice of grounds and opportunity for hearing, it determines that the local government is not adequately performing its enforcement functions. The hearing provided by this

(Rule 0780-2-3-.08, continued)

paragraph shall be conducted in the manner prescribed by the Uniform Administrative Procedures Act, compiled in T.C.A. title 4, chapter 5.

Authority: T.C.A. §§53-2413, 68-17-113 and 68-18-101, 68-102-113, 68-120-101, and Chapter 857, Public Acts of 1982. **Administrative History:** Original rule filed July 27, 1982; effective August 26, 1982. Amendment filed October 11, 1985; effective November 10, 1985. Amendment filed June 12, 2001; effective August 26, 2001. Amendment filed October 19, 2005; effective January 2, 2006.

0780-2-3-.09 EXEMPTIONS. This chapter shall not apply to any building or facility which is exempt from the Division's building construction safety standards under Tenn. Code Ann. §68-120-101.

Authority: T.C.A. §§68-102-113 and 68-120-101. **Administrative Authority:** Original rule filed July 27, 1982; effective August 26, 1982. Amendment filed October 11, 1985; effective November 10, 1985. Repeal and new rule filed October 19, 2005; effective January 2, 2006.

0780-2-3-.10 CERTIFICATE OF OCCUPANCY.

- (1) Where written approval of plans and specifications is required under this chapter, a new building or addition shall not be occupied, nor shall a change of occupancy be made, until the Division has issued a "certificate of occupancy" therefor.
- (2) The certificate of occupancy shall state:
 - (a) the project name and location of the building;
 - (b) the construction type of the building;
 - (c) the occupancy classification of the building under the standards adopted by reference in rule 0780-2-2-.01; and
 - (d) the names of the building owner, contractor, plans reviewer who approved the project, and project architect or engineer.
- (3) A temporary certificate of occupancy may be issued by the Division for a portion or portions of a building that may be occupied safely prior to final completion of the building.
- (4) A certificate of occupancy for a change in the occupancy classification of an existing building may be obtained by applying to the Division and supplying the information and data necessary to determine compliance with the standards adopted by reference in rule 0780-2-2-.01. When deemed necessary by the Division, two (2) sets of detailed drawings for review and approval, or a general inspection, or both, may be required.

Authority: T.C.A. §§68-17-113, 68-18-101, 68-102-113, and 68-120-101. **Administrative History:** Original rule filed October 11, 1985; effective November 10, 1985. Amendment filed June 12, 2001; effective August 26, 2001. Amendments filed October 19, 2005; effective January 2, 2006.